

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 1:10cr122
)	
v.)	<u>Count 1:</u> Conspiracy to induce aliens to enter
)	the United States, 8 U.S.C. §1324(a)(1)(A)(v)(I)
ANTHONY JOSEPH TRACY,)	
)	<u>Count 2:</u> False statement on passport
Defendant.)	application, 18 U.S.C. §1542

INDICTMENT

April 2010 Term - At Alexandria

THE GRAND JURY CHARGES THAT:

General Allegations

At all times material to this indictment:

1. Defendant ANTHONY JOSEPH TRACY was a United States citizen who also used the aliases "Yusuf Tracy" and "Yusuf Noor."
2. An alien seeking to enter the United States lawfully could apply to the United States Department of State (DOS) for a Non-Immigrant Visa, or to the Department of Homeland Security, Citizenship and Immigration Services for an Immigrant Visa, which is then processed abroad by a DOS consular official.
3. The Department of State and the Department of Homeland Security are both agencies within the executive branch of the government of the United States.
4. Aliens who enter the United States unlawfully do so through a variety of means, to include entry by entering at any time and place other than as designated by immigration officers, eluding examination and inspection by immigration officers, entering by willfully false and

misleading representation, and entry by the willful concealment of a material fact in a Visa application.

5. A United States citizen seeking to lawfully travel outside the United States to a foreign country must possess a United States Passport, which is obtained by filing with the Department of State a Form DS-11 or Form DS-82, Application for U.S. Passport.

6. Form DS-11 and Form DS-82 require biographical information, including the name of the applicant and other names used by the applicant. Once the application is completed, the applicant is required to sign the Application for U.S. Passport under penalty of perjury.

COUNT ONE

(Conspiracy to Induce and Encourage Aliens to Enter the United States)

THE GRAND JURY FURTHER CHARGES THAT:

From in and around April 2009 to in and around February 2010, subject to the jurisdiction of the United States, within the Eastern District of Virginia and elsewhere, defendant ANTHONY JOSEPH TRACY did unlawfully and knowingly conspire with others, known and unknown to the grand jury, to encourage and induce an alien to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law.

Ways, Manner and Means of the Conspiracy

1. It was part of the conspiracy that defendant ANTHONY JOSEPH TRACY would and did operate a travel business in Nairobi, Kenya, in Africa, known as Noor Services.
2. It was further part of the conspiracy that defendant ANTHONY JOSEPH TRACY, under the guise of his business, Noor Services, would fraudulently obtain travel documents to facilitate the travel of non-U.S. citizens (hereinafter referred to as "aliens") from Kenya to Cuba, knowing that, in fact, the ultimate destination of said aliens was the United States and not Cuba.
3. It was further part of the conspiracy that defendant ANTHONY JOSEPH TRACY would use fraudulent Kenyan passports and identification cards possessed by the aliens in the application process for obtaining travel visas from the Embassy of Cuba in Nairobi, Kenya.
4. It was further part of the conspiracy that defendant ANTHONY JOSEPH TRACY would provide each alien with proof of Kenyan residence, falsified bank records, a round trip airline ticket, and proof of hotel accommodations in Cuba, as required to obtain a travel visa

from the Embassy of Cuba.

5. It was further part of the conspiracy that once each alien's fraudulent documents were prepared, defendant ANTHONY JOSEPH TRACY met with and provided the documents to unindicted co-conspirators, known to the Grand Jury as "Consuela" and "Helen," at the Embassy of Cuba in Nairobi, Kenya. The unindicted co-conspirators would fraudulently provide defendant TRACY with Cuban travel visas for the aliens.

6. It was further part of the conspiracy that defendant ANTHONY JOSEPH TRACY would provide each of the aliens with a fraudulently obtained Cuban travel visa for the approximate fee of \$400 (in U.S. dollars).

7. It was further part of the conspiracy that defendant ANTHONY JOSEPH TRACY would meet with the aliens at Noor Services in Nairobi, Kenya, where he would instruct them as to how to reach the United States from Cuba.

(In violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I)).

COUNT TWO

(False Statement on Passport Application)

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 18, 2009, subject to the jurisdiction of the United States, within the Eastern District of Virginia and elsewhere, defendant ANTHONY JOSEPH TRACY did unlawfully, willfully and knowingly make a false statement in an application for a passport with intent to induce and secure for his own use, the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application in response to the question "Have you ever used a different name" the defendant failed to disclose either of the two aliases he regularly used, "Yusuf Tracy" and "Yusuf Noor."

(In violation of Title 18, United States Code, Section 1542).


A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

Neil H. MacBride
United States Attorney

By:



Jeanine Linehan
Assistant United States Attorney

REDACTED

Criminal Case Cover Sheet

U.S. District Court

Place of Offense: _____ **Under Seal:** Yes No _____ **Judge Assigned:** Judge Brinkema
 City _____ **Superseding Indictment** _____ **Criminal Number:** 1:10-CR-122
 County/Parish _____ **Same Defendant** _____ **New Defendant** _____
 Magistrate Judge Case Number _____ **Arraignment Date:** _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Juvenile -- Yes ___ No **FBI #** _____
Defendant Name: Anthony Joseph Tracy **Alias Name(s)** _____
Address: _____
Employment: _____

Birth date ██████-1974 **SS#** ██████-9497 **Sex** M **Race** _____ **Nationality** _____ **Place of Birth** US
Height _____ **Weight** _____ **Hair** _____ **Eyes** _____ **Scars/Tattoos** _____
Interpreter: No ___ Yes List language and/or dialect: _____ **Automobile Description** _____

Location Status:

Arrest Date 2/5/2010
 Already in Federal Custody as of 2/5/2010 in Alexandria City Jail
 ___ **Already in State Custody** ___ **On Pretrial Release** ___ **Not in Custody**
 ___ **Arrest Warrant Requested** ___ **Fugitive** ___ **Summons Requested**
 ___ **Arrest Warrant Pending** ___ **Detention Sought** ___ **Bond** _____

Defense Counsel Information:

Name: Jeremy C. Kamens _____ **Court Appointed** _____ **Counsel conflicted out:** _____
 1650 King St
 Suite 500
Address: Alexandria, VA 22314 _____ **Retained** _____
Telephone: 703-600-0880 _____ **Public Defender** _____ **Federal Public Defender's Office conflicted out:** No

U.S. Attorney Information:

AUSA Jeanine Linehan **Telephone No:** 703-299-3700 **Bar #** _____

Complainant Agency, Address & Phone Number or Person & Title: Special Agent Thomas Eyre, Department of Homeland Security

U.S.C. Citations:

	<u>Code/Section</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>	<u>Capital/Felony/Misd/Petty</u>
Set 1	<u>8 U.S.C. §§ 1324(a)(1)(A)(iv) and 1324(a)(1)(A)(v)(I)</u>	<u>Conspiracy to induce aliens to enter the United States</u>	<u>1</u>	<u>Felony</u>
Set 2	<u>18 U.S.C. § 1542</u>	<u>False statement on passport application</u>	<u>2</u>	<u>Felony</u>
Set 3	_____	_____	_____	_____

Date: 4/6/10 **Signature of AUSA:** J Linehan